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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/042,463

01/08/2002

Gerard De Haan

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01/12/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,463

Applicant(s)

DE HAAN ET AL.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All . b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This is a first action in response to application no. 10/042,463 filed on January 8th 2002 in which claims 1-13 are presented for examination.

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is not written in a single paragraph as required. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz (US Patent no. 6,580,463).

Regarding claims 1-2 and 12, Swartz discloses the same method to detect a picture repetition mode of film material comprising a series of consecutive fields (See col. 1, lines 43-52), the method comprising the following steps of establishing a motion parameter pattern for said film material (See col. 12, lines 60-67, col.13, lines 1-6), comparing said pattern with a number of predetermined motion parameter pattern (See col. 12, lines 35-42), determining said picture repetition mode using the result of the preceding step, characterized in that, said method includes the following steps of identifying a plurality of different objects within said consecutive fields (See col. 13, lines 9-31), an object being defined as an image portion of said consecutive fields that can be described with a single motion model (See col.1, lines 42-52), establishing a motion parameter pattern for each one of said objects within said consecutive fields (See col.

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12, lines 60-67, col.13, lines 1-6, col. 7, lines 44-67), comparing said motion parameter pattern with a number of predetermined motion parameter patterns, determining said picture repetition mode for each one of said objects using the result of the preceding step (See col. 12, lines 20-47, and col. 13, lines 8-31).

As per claim 3, Swartz further discloses object identification by using a motion estimation technique (See col. 8, lines 53-67, and col. 9, lines 1-13).

As per claim 7, Swartz further provides the same arrangement wherein the predetermined motion parameter patterns relate to a 3-2 pull down mode (See col. 7, lines 44-59).

As per claim 4, Swartz further provides a plurality of motion model parameters estimators (See col. 15, lines 29-35).

As per claims 5-6, Swartz discloses segmentation and data reduction in col. 18, lines 38-46.

As per claim 8, Swartz further discloses a film processing carrying out a film material processing step (See col. 8, lines 1-17).

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As per claim 9, Swartz further discloses a film processing arranged to carry out picture rate conversion (See col. 15, lines 38-67 and col. 16, lines 1-5).

As per claims 10-11, providing a chip with the arrangement to perform the processing is considered as an inherent feature in Swartz's.

As per claim 13, the computer program product is inherent in Swartz's arrangement (See col. 14, lines 61-67, col.15, lines 1-5).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faroudja et al. (US Patent no. 6222589) teaches displaying video on high-resolution computer-type monitors substantially without motion discontinuities.

Faroudja et al. (US Patent no. 5291280) teaches motion detection between even and odd fields with 2:1 interlaced television standard.

Faroudja et al. (US Patent no. 6108041) teaches high-definition television signal for transmitting and receiving a television signal in a manner compatible with the present system.


Faroudja (US Patent no. 6111610) teaches displaying film-originated video on high frame rate monitors without motions discontinuities.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

January 5, 2005